D/F C/M

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK

HILDA L. SOLIS, Secretary of Labor, United States Department of Labor, Plaintiff, v. GLEN-HAVEN RESIDENTIAL HEALTH CARE FACILITIES, INC., a Corporation d/b/a Port Jefferson Health Care and SANJAY AHUJA, Individually and as CHIEF EXECUTIVE OFFICER; Defendants	Civil Action File No. 12-CV-6359 ADS, AKT CONSENT JUDGMENT

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JAN 09 2013 ★
LONG ISLAND OFFICE

Plaintiff, the Secretary of Labor, has filed her Complaint and defendants Glen-Haven Residential Health Care Facilities, Inc., d/b/a Port Jefferson Health Care, and Sanjay Ahuja, individually and as CHIEF EXECUTIVE OFFICER, appeared by Counsel, waive their answer, and agree to the entry of this judgment without contest. By executing this Consent Judgment, defendants waive formal service of process of the summons and complaint in this matter.

Defendants Glen-Haven Residential Health Care Facilities, Inc., d/b/a Port Jefferson Health Care, and Sanjay Ahuja, individually and as CHIEF EXECUTIVE OFFICER, appeared by Counsel, acknowledge their responsibilities pursuant to this agreement, and acknowledge that they will be subject to sanctions in contempt of this court if they fail to comply with the provisions of this Judgment. It is, therefore, upon motion of the attorneys for plaintiff and for cause shown ORDERED that:

I. Defendants, their officers, employees, agents, and all persons acting or claiming to act in the defendants' behalf and interest be, and they hereby are, permanently enjoined and restrained from violating the provisions of sections 6, 7, 11(c), 15(a)(2), and 15(a)(5) of the Fair

Labor Standards Act of 1938, as amended, (29 U.S.C. Section 201 et seq.), (the Act), in any of the following manners:

(1) Defendants shall not, contrary to Section 6 of the Act, pay to any of their employees who in any workweek are engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, wages at rates less than those which are now, or which in the future may become, applicable under Section 6 of the Act.

(2) Defendants shall pay employees at time and one-half their regular hourly rates for all hours worked over 40 per week, and shall not, contrary to Section 7 of the Act, employ any of their employees in any workweek for workweeks longer than the hours now, or which in the future become, applicable under Sections 7 and 15(a)(2) of the Act, unless the employee receives compensation in compliance with the Act.

(3) Defendants shall make, keep, and preserve adequate records of their employees and of the wages, hours, and other conditions and practices of employment maintained by them as prescribed by the Regulations issued pursuant to Section 11(c) of the Act and found at 29 CFR Part 516.

II. Defendants Glen-Haven Residential Health Care Facilities, Inc., d/b/a Port Jefferson Health Care, and Sanjay Ahuja, individually and as CHIEF EXECUTIVE OFFICER, are enjoined and restrained from withholding the payment of a total of **$31,204.25 ($20,716.43 in minimum and overtime compensation, plus $129.51 in interest, and plus $10,358.31 in liquidated damages)** due certain employees set forth in Exhibit A. Payment of this amount will be made in the total amount by **August 20, 2013** which is in accordance with the amounts due and date set forth in Exhibit B.

All payments shall be in separate cashier or certified checks made payable to **"Wage and Hour Division – Labor" with "Case No. 1660684" written on the face of each check.**

The checks shall be sent to:

U.S. Department of Labor/Wage & Hour Division
The Curtis Center, Suite 850, West
170 S. Independence Mall West
Philadelphia, PA 19106-3317

III. On or before the dates indicated on Exhibit B, defendants shall send a copy of each of the checks to:

U.S. Department of Labor/Wage & Hour Division
1400 Old Country Road, Suite 410
Westbury, New York 11590-5119
Attn: Diane Callan, Assistant Director

IV. Neither defendants nor anyone acting on their behalf shall directly or indirectly solicit or accept the return or refusal of any sums paid as back wages under this Judgment.

V. The plaintiff shall deliver the proceeds of each check less any legal deductions to the employees named on Exhibit A. Any sums not distributed to the employees or to their personal representatives, because of inability to locate the proper persons or because of such persons' refusal to accept such sums, shall be deposited with the Clerk of this Court who shall forthwith deposit such money with the Treasurer of the United States pursuant to 28 U.S.C. §2041 and §2042.

VI. Defendants shall provide to plaintiff the social security numbers and last known addresses of the defendants' employees and former employees to be paid under this judgment.

VII. If the defendants fail to make an installment payment on Exhibit B without making up the arrearage within two weeks after written notice to defendants, the entire balance shall become due and payable immediately.

VIII. Defendants shall place FLSA posters in English and in any other language spoken by the employees. These posters will be provided by the Wage and Hour Division as available. Defendants shall display the posters where employees may view them.

IX. Defendants shall orally inform all their employees in English and in any other language spoken by the employees of the their rights under the Fair Labor Standards Act, and the terms of this Judgment, including the payment of minimum wages and overtime and the rights of employees to engage in activity protected by the Act without fear of retaliation. The defendants shall so inform their employees within thirty (30) days of the entry of Judgment on a workday.

X. Neither the commencement of this action nor the provisions of this Consent Judgment shall in any way affect, determine, or prejudice any and all legal rights of any employees of defendant not listed in Exhibit A of this Judgment, be they current or former employees, to file any action against defendant under section 16(b) of the Act or likewise for any current or former employee listed on Exhibit A of this Judgment to file any action against defendant under section 16(b) of the Act for any violations alleged to have occurred after **July 2, 2012.**

XI. Each party will bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

SO ORDERED:

DATED: 1/9/13
Central Islip, NY

/s/ Arthur D. Spatt
UNITED STATES DISTRICT JUDGE
ARTHUR D. SPATT
CASE CLOSED

Defendants have appeared by counsel and Consent to the entry of this Judgment.

Glen-Haven Residential Health Care Facilities, Inc., d/b/a Port Jefferson Health Care

BY: ______________________
SANJAY AHUJA, Individually and as Chief Executive Officer

____
Craig S. Roberts, Attorney at Law
Jackson Lewis LLP
58 South Service Road, Suite 410
Melville, NY 11747

Attorneys for Defendants

STATE OF NEW YORK)
:SS:
COUNTY OF SUFFOLK)

On the 11th day of December, 2012 before me personally appeared SANJAY AHUJA to me known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.

CHRISTINE R. VALENTI
Notary Public, State of New York
No. 01VA6078454
Qualified in Suffolk County
Commission Expires August 5, 2014

Christine R Valenti
NOTARY PUBLIC

EXHIBIT A

Glen-Haven Residential Health Care Facilities, Inc.,
d/b/a Port Jefferson Health Care
Case ID: 1660684

First Name	Last Name	Backwages Due	Liquidated Damages	Interest Due	Total Due
Allen	Eloise	$439.97	$219.99	$3.85	$663.81
Angrisani	Mary M	$791.27	$395.64	$2.97	$1,189.88
Arquiza	Juvila	$507.34	$253.67	$1.90	$762.91
Bach	Howard	$183.32	$91.66	$2.06	$277.04
Bolton	Raquel	$227.84	$113.92	$1.99	$343.75
Bordenave	Margaret	$105.31	$52.66	$1.05	$159.02
Breun	Jillian	$63.11	$31.56	$0.47	$95.14
Carey	Jill	$279.30	$139.65	$3.14	$422.09
Cherpak	Jenny	$239.49	$119.75	$2.40	$361.64
Corye	Marissa	$70.72	$35.36	$0.71	$106.79
Curry	Adeline	$1,628.03	$814.02	$7.96	$2,450.01
Dellarocco-Samhoun	D.	$131.16	$65.58	$1.48	$198.22
Dulnuan	Patricio	$65.27	$32.64	$0.49	$98.40
Esperson-Stevenson	Alicia	$5,386.88	$2,693.44	$11.57	$8,091.89
Hummel-Michaud	Debra	$31.22	$15.61	$0.31	$47.14
Julig	Ellen	$1,088.22	$544.11	$9.52	$1,641.85
Kuriakose	Alexander	$118.39	$59.20	$1.33	$178.92
Lawrence	Margaret	$1,048.96	$524.48	$10.18	$1,583.62
Lucate	Marie	$14.57	$7.29	$0.15	$22.01
Marone	Dorothy	$703.74	$351.87	$5.61	$1,061.22
Martino	Debra	$67.50	$33.75	$0.74	$101.99
Matthews	Kelly	$72.93	$36.47	$0.82	$110.22
Mezilus	Andre	$79.57	$39.79	$0.90	$120.26
Mlelwa	Ley	$233.42	$116.71	$2.63	$352.76
Perez	Kim	$369.61	$184.81	$3.70	$558.12
Portier	Florian	$33.23	$16.62	$0.29	$50.14

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Glen-Haven Residential Health Care Facilities, Inc.,
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First Name	Last Name	Backwages Due	Liquidated Damages	Interest Due	Total Due
Quinones	Jean-Marie	$549.72	$274.86	$5.50	$830.08
Ralph	Sylvia	$2,201.35	$1,100.68	$12.74	$3,314.77
Ramsey	Margaret	$827.49	$413.75	$9.31	$1,250.55
Rich	Thomas	$1,439.42	$719.71	$9.88	$2,169.01
Rose	Veronica	$93.07	$46.54	$0.93	$140.54
Savery	Mary	$227.71	$113.86	$1.71	$343.28
Singh	Vandana	$800.47	$400.24	$6.00	$1,206.71
Valeus	Rose M	$179.10	$89.55	$1.12	$269.77
Velazquez	Lynne	$77.44	$38.72	$0.29	$116.45
Wassmuth	Ronald	$12.09	$6.05	$0.12	$18.26
Weber	Jacqueline	$328.20	$164.10	$3.69	$495.99
	Total:	**$20,716.43**	**$10,358.31**	**$129.51**	**$31,204.25**

EXHIBIT A

EXHIBIT B

Glen-Haven Residential Health Care Facilities, Inc.,
d/b/a Port Jefferson Health Care
Case ID: 1660684

Payment No.	Due Date	Amount Due	Interest Due	Total Due
1	12/20/2012	$3,452.75	$6.73	$3,459.48
2	01/20/2013	$3,452.75	$3.86	$3,456.61
3	02/20/2013	$3,452.75	$12.24	$3,464.99
4	03/20/2013	$3,452.75	$12.87	$3,465.62
5	04/20/2013	$3,452.75	$11.85	$3,464.60
6	05/20/2013	$3,452.75	$14.83	$3,467.58
7	06/20/2013	$3,452.75	$25.16	$3,477.91
8	07/20/2013	$3,452.75	$16.55	$3,469.30
9	08/20/2013	$3,452.74	$25.42	$3,478.16
	Totals:	**$31,074.74**	**$129.51**	**$31,204.25**

EXHIBIT B